

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CRIMINAL NO. 06-20582

v.

HONORABLE JOHN CORBETT O'MEARA

D-1 MICHAEL BURT,

Defendant.

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ORDER FINDING EXCLUDABLE DELAY AND  
GRANTING GOVERNMENT'S UNOPPOSED MOTION FOR CONTINUANCE

On November 14, 2006, a federal grand jury returned an indictment against the defendant in this cause, charging him with four counts of income tax evasion, in violation of 26 U.S.C. §7201. Defendant MICHAEL BURT was arraigned before a United States Magistrate Judge on those charges on March 1, 2007, and he is free on bond.

The Government has filed a motion for continuance of the trial of this cause, citing the complexity of this case, the schedule conflicts of both defense counsel and of Government counsel, the necessity for the continuity of counsel for both parties, and the reasonable time necessary for effective preparation, taking in account the exercise of due diligence. The defendant does not oppose the Government's motion.

As defendant has agreed to the continuance request, such a continuance would not cause any prejudice to the defendant. In fact, the continuance will ensure that the defendant maintains

continuity of counsel and afford the defendant with the additional time required to complete any discovery that may be needed and to prepare his case for trial.

Accordingly, the Court hereby finds, under the provisions of 18 USC § 3161(h)(8)(A), that the ends of justice served by the granting of a continuance of the trial of this cause outweigh the best interest of the public and of the defendant in a speedy trial. The Court further finds, in accord with 18 USC § 3161(h)(8)(B)(i)(ii) and (iv) that a denial of a continuance would be likely to make a continuation of such proceeding impossible or result in a miscarriage of justice, that the case is complex, due to the nature of the prosecution and, because of the medical status of Government counsel and the schedule conflicts of counsel for both parties, that it is unreasonable to expect adequate preparation by counsel for trial within the time limits established by the statute, and that the denial of a continuance would unreasonably deny the defendants as well as the Government both continuity of counsel and the reasonable time necessary for effective preparation, taking in account the exercise of due diligence; therefore,

IT IS HEREBY ORDERED that the trial of this cause be continued to December 4, 2007 at 9:00 a.m. and further, that the intervening time period be excluded in computing the time within which trial must commence pursuant to the Speedy Trial Act, 18 USC § 3161 et seq.

s/John Corbett O'Meara  
United States District Judge

Dated: August 3, 2007

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, August 3, 2007, by electronic and/or ordinary mail.

s/William Barkholz  
Case Manager